

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,  
WESTERN DIVISION

JAMES C. WINDING

PETITIONER

VERSUS

CIVIL ACTION NO. 5:05cv178-DCB-MTP

RONALD KING and JIM HOOD

RESPONDENTS

ORDER

This matter comes before the Court on the petitioner's Writ of Error [**docket entry no. 78**], Motion to Reconsider Final Judgment [**docket entry no. 81**], and Petitions for an Order to Show Cause [**docket entry nos. 86, 88**]. Having considered these filings in light of applicable statutory and case law, the Court finds and orders as follows:

On July 3, 2007, this Court issued its Final Judgment [docket entry no. 54] whereby the petitioner's § 2254 habeas action was dismissed with prejudice. The petitioner filed his Notice of Appeal [docket entry no. 68] on October 2, 2007. On January 11, 2008, the United States Court of Appeals for the Fifth Circuit issued as mandate an opinion dismissing the petitioner's appeal for lack of jurisdiction.

In the instant motions, liberally construed, the petitioner appears to be challenging the Court's Final Judgment under Federal Rule of Civil Procedure 60 and requesting an evidentiary hearing pursuant to 28 U.S.C. § 2254(e)(2).

The Court is of the opinion that the petitioner has not demonstrated the existence of any of the grounds enumerated under Rule 60(b) which would entitle him to relief from the Court's July 3, 2007 Final Judgment. Similarly, the Court does not find that the petitioner is entitled to an evidentiary hearing under § 2254 (e)(2). Accordingly,

**IT IS HEREBY ORDERED** that the petitioner's Writ of Error [**docket entry no. 78**], Motion to Reconsider Final Judgment [**docket entry no. 81**], and Petitions for an Order to Show Cause [**docket entry nos. 86, 88**] are **DENIED**.

**SO ORDERED**, this the 19<sup>th</sup> day of February 2008.

s/ David Bramlette  
**UNITED STATES DISTRICT JUDGE**